

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

United States of America

v.

Gustavo Guerra-Martinez

Defendant(s)

Case No.

5:19-MJ-1122-HNJ

FILED

2019 NOV 25 P 1:41

U.S. DISTRICT COURT
N.D. OF ALABAMA

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/23/2019 - 11/25/2019 in the county of Morgan in the
Northern District of Alabama, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. Section 846
21 U.S.C. Section 841(a)(1)Conspiracy
Possession with Intent to Distribute cocaine and heroin

This criminal complaint is based on these facts:

See Affidavit.

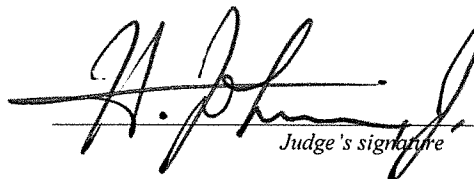
☒ Continued on the attached sheet.

Complainant's signature

James K. England/Special Agent, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/25/2019City and state: Huntsville, AL

Judge's signature

Herman N. Johnson, Jr., U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, James K. England, Special Agent, Drug Enforcement Administration (DEA), United States Department of Justice, being duly sworn, depose and state that:

1. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7) and am empowered by law to conduct investigations of and make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. I am a Special Agent assigned to the DEA Huntsville Post of Duty Office (HPOD). As a part of my official duties as a sworn federal agent with the DEA, I investigate criminal violations of federal narcotics laws, including, but not limited to: Title 21, United States Code, Sections 841(a)(1), Possession with the Intent to Distribute and Distribution of Controlled Substances; 843(b), Use of a Communications Facility to Commit a Controlled Substance Felony; 846, Conspiracy to Possess with the Intent to Distribute and Distribute Controlled Substances; 848, Continuing Criminal Enterprise; and Title 18, United States Code, Sections 1952, Interstate Travel in Aid of Racketeering (ITAR); and 1956, Laundering of Monetary Instruments.

3. I have worked in the capacity of a surveillance agent, observing and recording movements of persons involved in the trafficking of illegal narcotics and those suspected of trafficking illegal narcotics. Furthermore, I have conducted hundreds of interviews with individuals charged with narcotics violations and

informants and/or witnesses regarding illegal narcotics trafficking. From these interviews, I have obtained an abundance of knowledge regarding narcotics trafficking, distribution, and use. Through my training, education, and experience, I have become familiar with the manner in which drug trafficking organizations (DTO) use cellular telephones in the course of conducting their drug trafficking activities. Your affiant's investigations and participation in investigations assigned to other law enforcement agents have kept me abreast of methods that are commonly used by drug traffickers.

4. I am personally involved in the investigation of the offenses referred to herein, and I have participated in the normal methods of investigation, including, but not limited to, visual surveillance, the use of informants, and the use of pen registers and trap and trace devices.

5. The DEA is investigating a cocaine trafficking conspiracy in and around Morgan and Madison counties in the Northern District of Alabama and elsewhere. Law enforcement has conducted a number of investigative techniques, including physical surveillance, audio surveillance, telephone toll analysis, and the use of cooperating sources.

6. The investigation has revealed that Gustavo GUERRA-MARTINEZ has a leadership role in the locally based cocaine drug trafficking organization that has developed a strong hold in the Madison County Area. Based on the investigation, law enforcement has determined that the cocaine is being supplied to Gustavo GUERRA-MARTINEZ by a larger drug trafficking organization and is likely being commercially

manufactured in a clandestine laboratory. The investigation has revealed that Gustavo GUERRA-MARTINEZ and/or his associates, who operate in and around Madison County, Alabama receive drugs from members of a yet unidentified smuggling/distribution network. The investigation has revealed that Gustavo GUERRA-MARTINEZ oversees and arranges the pickup and delivery of large shipments of cocaine that originate in El Paso, Texas and return to Morgan and Madison counties. Gustavo GUERRA-MARTINEZ oversees the disbursement of the cocaine to other unknown members of the drug trafficking organization in Chicago, New York, and Connecticut. Gustavo GUERRA-MARTINEZ is also responsible for arranging and collecting payments for these large shipments of cocaine, which is believed to return to Gustavo GUERRA-MARTINEZ in Madison County, Alabama. Gustavo GUERRA-MARTINEZ is then responsible for arranging the delivery of the currency derived from cocaine sales to other high ranking members in the drug trafficking organization.

7. On October 23, 2019, DEA Task Force Officer (TFO) Zackory Dockery and Resident Agent in Charge Peter Gruden, along with Morgan County Drug Task Force's Lieutenant Gary Landers and Agent Joey Coburn, met with a confidential source, which will be referred to as "CS" hereinafter, in Morgan County to oversee a meeting that would be held between the CS and Gustavo GUERRA-MARTINEZ. The CS had previously been contacted by Manuel MARES-ESPINOZA, who currently resides in Veracruz, Mexico and advised the CS that Gustavo, later identified as

Gustavo GUERRA-MARTINEZ, and the CS would meet to arrange the pickup of a large quantity of illegal narcotics at the time believed to be marijuana. The CS was provided with an audio/video recording device. The CS met with Gustavo GUERRA-MARTINEZ at a residence in Decatur, Alabama. The CS spoke with Gustavo GUERRA-MARTINEZ who advised the CS that the CS would be expected to travel to El Paso, Texas in a Recreational Vehicle (RV) provided by Gustavo GUERRA-MARTINEZ.

8. Gustavo GUERRA-MARTINEZ told the CS that he/she would be expected to pick up 20 pieces (kilograms) of cocaine in El Paso, Texas and return to Decatur, Alabama with the cocaine. Gustavo GUERRA-MARTINEZ advised the CS that the RV would have to be registered and insured by the CS. Gustavo GUERRA-MARTINEZ advised the CS that any associated costs would be covered by Gustavo GUERRA-MARTINEZ. During the meeting Gustavo GUERRA-MARTINEZ provided the CS with his primary telephone number to be contacted by the CS. Gustavo GUERRA-MARTINEZ also provided the CS with a photo of the title for the RV that would have to be registered so the CS could get an estimate for all expected costs. After the meeting with Gustavo GUERRA-MARTINEZ, the CS met with DEA TFO Zackory Dockery and turned over the audio/video recording device.

9. On November 12, 2019, SA Jim England, TFO Zack Dockery, TFO Joe Hargett, and TFO Shane Turley met with the CS in Morgan County, Alabama to oversee a meeting that would be held between the CS and Gustavo GUERRA-

MARTINEZ. The CS was provided with an audio/video recording device and met with Gustavo GUERRA-MARTINEZ at a residence in Decatur, Alabama. Gustavo GUERRA-MARTINEZ and the CS met with intentions of registering and insuring the RV so the CS would be able to travel to El Paso, Texas in the RV. The CS and Gustavo GUERRA-MARTINEZ were observed in transit to the Morgan County Courthouse where the CS registered the RV. The CS and Gustavo GUERRA-MARTINEZ then returned to the residence where the CS would obtain insurance for the RV. Gustavo GUERRA-MARTINEZ provided the CS with funding to purchase the tag for the RV as well. Gustavo GUERRA-MARTINEZ departed the residence, and afterwards, the CS met with TFO Zack Dockery and TFO Joe Hargett and turned over the audio/video recording device. The CS would later be contacted by Manuel MARES-ESPINOZA, who advised the CS that the CS would be retrieving the RV from Gustavo GUERRA-MARTINEZ the next day and travel to El Paso, Texas.

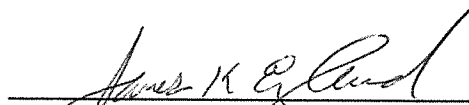
10. On November 22, 2019, the CS met Gustavo GUERRA-MARTINEZ at a restaurant on Jordan Lane in Huntsville, Alabama. The CS was given \$2,000 by Gustavo GUERRA-MARTINEZ for travel expenses to El Paso, Texas. The CS was also provided an RV to travel to El Paso, Texas by Gustavo GUERRA-MARTINEZ. The CS was then followed to a predetermined location where the RV was outfitted with a GPS tracking device, and the \$2000 trafficker directed funds were photographed. On November 22, 2019, the CS departed Decatur, Alabama and began his trip to El Paso, Texas.

11. On November 23, 2019, the CS was met by law enforcement in El Paso, Texas. The CS was later met by individuals in a Wal-Mart parking lot in El Paso, Texas who delivered the CS four kilograms of heroin and eight kilograms of cocaine. The CS was then met by law enforcement and turned over the heroin and cocaine to law enforcement. The CS later left El Paso, Texas to return to Morgan County, Alabama to meet Gustavo GUERRA-MARTINEZ.

12. On November 25, 2019, the CS and Gustavo GUERRA-MARTINEZ were in contact to discuss meeting so Gustavo GUERRA-MARTINEZ could count and confirm the quantity of heroin and cocaine. The CS sent Gustavo GUERRA-MARTINEZ a text message advising he/she was ready for Gustavo GUERRA-MARTINEZ to come and count and confirm that the CS had the heroin and cocaine. Gustavo GUERRA-MARTINEZ advised the CS he would meet the CS in forty minutes.

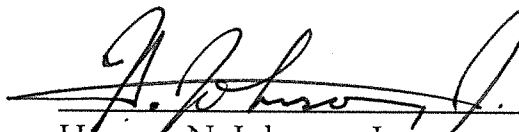
13. Law enforcement observed Gustavo GUERRA-MARTINEZ leave his work site shortly after the text message was received. When Gustavo GUERRA-MARTINEZ approached the Madison County line, he was pulled over and arrested by law enforcement.

I declare under penalty of perjury that the foregoing is true and correct.



James K. England
Special Agent
Drug Enforcement Administration

Sworn to and subscribed before me this 25th day of November, 2019.



Herman N. Johnson, Jr.
United States Magistrate Judge